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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**

15 JUAN D. MARTINEZ and SERGIO
16 SANCHEZ,

17 Plaintiffs,

18 v.

19 MONTEREY COUNTY,
20 CALIFORNIA; BRUCE
21 MCPHERSON, CALIFORNIA
22 SECRETARY OF STATE; BILL
23 LOCKYER, CALIFORNIA
24 ATTORNEY GENERAL,

25 Defendants.

Case No. C-05-2950-JF

**STIPULATION & ORDER FOR
DISMISSAL OF PLAINTIFFS'
APPEAL**

Three Judge Court:
Circuit Judge Richard Tallman
Judge Susan Illston
Judge Jeremy Fogel

Noticed Hearing Date: To Be
Determined
Noticed Hearing Time: To Be
Determined

The Plaintiffs in this action on October 17, 2005, filed their Notice of Appeal to the United States Supreme Court from an ORDER DENYING MOTION TO LIFT STAY entered by this Court on October 12, 2005. As a result of the November 8, 2005, special statewide election, Plaintiffs are seeking a dismissal of their appeal. All of the parties in this action listed below stipulate to the dismissal of this appeal pursuant to Rule 18.5 of the Rules of the United States Supreme Court.

/s/	/s/
Dated: <u>December 1, 2005</u>	Dated: <u>November 30, 2005</u>
Joaquin G. Avila On Behalf of Attorneys for Plaintiffs Juan D. Martinez and Sergio Sanchez email: avilaj@seattleu.edu	Leroy W. Blankenship Assistant County Counsel for Defendant Monterey County email: blankenshipl@co.monterey.ca.us

/s/	/s/
Dated: <u>November 30, 2005</u>	Dated: <u>November 30, 2005</u>
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ORDER

The Court having reviewed this Stipulation hereby ORDERS that Plaintiffs' appeal incorporated within Plaintiffs' Notice of Appeal filed on October 17, 2005, is hereby dismissed. On behalf of the Panel, IT IS SO ORDERED.

Dated: 12/8/05

Jeremy Fogel /s/electronic signature authorized

JEREMY FOGEL,
United States District Judge.